**THE HON'BLE SRI JUSTICE N.V. RAMANA**

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**Writ Petition No. 25667 of 1997**

**Dated: 26.12.2005**

Between:

K. Prasad, s/o K. Venkaiah, E. 94818, Driver, resident of Rajampet, Cuddapah District.

**..... PETITIONER**

AND

1 The Managing Director, A.P.S.R.T.C., Musheerabad, Hyderabad and 3 others.

**.....RESPONDENTS**

**THE HON'BLE SRI JUSTICE N.V. RAMANA**

**Writ Petition No.25667 of 1997**

**Order:**

This writ petition is filed seeking a Writ of Mandamus declaring the proceedings No.Steno/27(19)/96-RM'C', dated 10.03.1996 of respondent No.3-Deputy Chief Traffic Manager, A.P.S.R.T.C., Cuddapah Region, as illegal and arbitrary and for consequential direction to the respondents to pay the increments to the petitioner with effect from 04.04.1991 and all the wages, arrears of leave and increments with effect from 30.05.1991.

The petitioner, working as driver in respondents Corporation, was charge sheeted/suspended for the irregularities committed by him i.e., he having performed three hours service from Badvel to Kothacheruvu service with vehicle bearing No. AAZ 6282 on 24.03.1991 failed to hand over the said vehicle to the link driver with

log sheet and for having responsible for the missing of the log sheet of the above vehicle and for having responsible for the cancellation of 60 KMs to the above vehicle. On the said irregularities, the Assistant Manager (E), Cuddapah, has conducted a domestic enquiry into the matter and submitted his report. On consideration of the said report, the Depot Manager, APSRTC, Badvel, lifted the suspension order of the petitioner and issued order-cum-show cause notice, vide proceedings No.01/118(2)/91-BDVL, dated 18.06.1991, ordering for postponement of two annual increments and calling for explanation as to why the period of suspension should not be treated as "not on duty". Against the said orders, the petitioner preferred an appeal before respondent No.3. The respondent No.3-Deputy Chief Traffic Manager, vide proceedings No. STE No./27(10)/96-RM (C ), dated 10.03.1996, modified the order dated 18.06.1991 and reduced the punishment to that of "postponement of annual increment for one year without cumulative effect". As against the said order, the present writ petition is filed.

Heard the learned counsel for the petitioner and learned Standing Counsel for respondents Corporation.

Learned counsel for the petitioner mainly contends that the punishment imposed on the petitioner is disproportionate to the charges leveled against him. The only question remains to be answered is whether the punishment imposed by the appellate authority is disproportionate to the charge leveled against the petitioner, inasmuch as the petitioner is not challenging the enquiry proceedings. The Appellate Authority on reconsideration of the matter, taking a lenient view has reduced the punishment from postponement of increments for two years with cumulative effect to that of postponement of increment for one year without cumulative effect. The same cannot be said to be disproportionate to the charges leveled against the petitioner and no exception can be taken thereto by this Court, more so having regard to the judgment of the apex Court in **Regional Manager, Rajasthan SRTC v. Sohan Lal**, wherein it was held that it is not within the normal jurisdiction of the superior courts to interfere with the quantum of sentence imposed by the disciplinary authority, unless it is shown that the sentence imposed is wholly disproportionate to the misconduct proved. The petitioner has not made out any ground to show that the punishment imposed by the disciplinary authority is disproportionate to the proved misconduct.

The writ petition is devoid of merits and the same is accordingly dismissed.

No costs.

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**N.V. RAMANA, J.**

**Dated: 26.12.2005**

Tvk/nsr